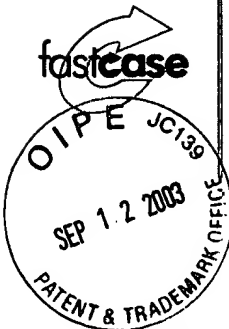


2177



fastcase

FASTCASE, INC.

Philip J Rosenthal, Ph.D.  
President  
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#13  
9/24/03  
AW

September 11, 2003

RECEIVED

SEP 15 2003

Technology Center 2100

The Honorable Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

Re: U.S. Patent Application. No. 09/707,910  
Filing Date: 08 November 2000  
Title: Apparatus and Method for Displaying Records  
Responsive to a Database Inquiry  
Inventor(s): Edward J. Walters, III & Philip J. Rosenthal  
Group Art Unit: 2177  
Examiner: Greta Robinson

Sir:

In response to the Examiner's restriction requirement, the Applicant elects that Group I, claims 1-4, 6-24, 26-30, 34-67 and 71, of the above referenced patent application be examined. This election should not be deemed to indicate that the Applicant concurs that restriction is proper or necessary. Furthermore, the Applicant does not waive the right to file divisional applications or other continuations of this application, and intends to file such divisional applications or continuations to permit the examination of claims 5, 25, 31-33, 68-70, and 72-73.

Along with this notice of election, the Applicant hereby files:

1. a copy of the Examiner's Restriction Requirement; and
2. a copy of this filing for date stamping. It is respectfully requested that the attached copy of this filing be stamped with the date of filing of these documents, and that it be returned to our courier.

Please contact the undersigned if you have any questions or require additional information.

Respectfully submitted,

Philip J. Rosenthal, Ph.D.  
Applicant & President of Assignee  
Attorney/Agent (Reg. No.) 42,114

Attachment(s)

Stop searching Start finding!

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***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4, 6-24, 26-30, 34-67 and 71, drawn to simultaneous display of identifiers with content elements of records, classified in class 715, subclass 526.
- II. Claims 5, 25, 31-33 and 68-70, drawn to displaying records responsive to a database query conducted and responsive to a prior search request, classified in class 707, subclass 5.
- III. Claims 72 and 73, drawn to analyzing a list of records by sorting, classified in class 707, subclass 7.

The inventions are distinct, each from the other because of the following reasons:

The inventions Groups I, II and III are unrelated. The inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are classified separately.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II and III, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached on Mon.-Fri. 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-5657 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

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Greta Robinson  
Primary Examiner  
August 6, 2003

  
**GRETA ROBINSON**  
**PRIMARY EXAMINER**

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# Office Action Summary

Application No.

09/707,910

Applicant(s)

WALTERS ET AL.

Examiner

Greta L. Robinson

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on 19 May 2003

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-73 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☒ Claim(s) 1-73 are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 19 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.

4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: